

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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|---|---|-------------------------|
| GOFF GROUP, INC., <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | Case No. 02:06-cv-00389 |
| |) | |
| PHOENIX-DURANGO, L.L.C. , <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |

**REPLY TO RESPONSE TO MOTION FOR REMAND OF PROCEEDINGS TO
BANKRUPTCY COURT AND RESPONSE TO SHOW CAUSE ORDER REGARDING
REMAND TO STATE COURT**

Comes Now Susan Shirock DePaola, Trustee of the Bankruptcy Estate of the Goff Group, Inc., by her attorneys, Leonard N. Math and Chambless Math Carr, P.C. and moves this Court for referral of these proceedings to the United States Bankruptcy Court for the Middle District of Alabama and in support thereof states as follows:

1. On April 28, 2006, this matter was removed to this Court from the Circuit Court for Montgomery County, Alabama. This action seeks recovery on behalf of the Goff Group, Inc. and John W. Goff, individually, against Defendant Phoenix-Durango, L.L.C. and its individual members for alleged wrongful conduct in the acquisition and attempted enforcement of a mortgage against real estate located at 80 Technacenter Dr., Montgomery, Alabama. On May 25, 2006, the Defendants filed an Amended Answer and Counterclaim against the Plaintiffs Goff Group, Inc. and John W. Goff.

2. On June 9, 2006, the Defendant, Goff Group, Inc. filed for relief under Chapter 7, Title 11 of the United States Code (hereinafter the "Bankruptcy Code") in the United States Bankruptcy Court for the Middle District of Alabama, Case No. 06-30676. On June 12, 2006, the Court appointed Susan Shirock DePaola as the Chapter 7 Trustee in the case.

3. On or about December 19, 2006, the Court held a status conference to determine the parties intentions regarding proceedings. On or about December 27, 2006, the Trustee filed her Motion for Remand of the Proceedings to the Bankruptcy Court. On or about January 4, 2007, Jeremiah A. Henderson, II, Jeremiah A. Henderson, III, and Phoenix-Durango, LLC filed their response to the Trustee s Motion requesting the Court to sever the case as to issues between the Goff Group, Inc. and those Defendants and the issues between John W. Goff, individually and those Defendants.

4. Counsel for the Trustee files this response as notice to the Court that it does not oppose severance of the action provided that the remaining action between John W. Goff, individually, and the Defendants is stayed pending resolution of issues in the bankruptcy court.

WHEREFORE, Susan Shirock DePaola prays for an order referring the issues in this case between the Goff Group, Inc. and the Defendants for final disposition to the United States Bankruptcy Court pursuant to 28 U.S.C. § 157(b), or in the alternative referring this matter for pre-trial and trial proceedings resulting in a report and recommendation to this Court for entry of final judgment pursuant to 11 U.S.C. § 157(c), along with such further and other relief as the Court may deem proper.

SUSAN SHIROCK DEPAOLA,
Trustee of the Bankruptcy Estate of Goff Group,
Inc.,

s/ Leonard N. Math
Attorney for the Susan Shirock DePaola, Trustee of
the Bankruptcy Estate of Goff Group, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served on all attorneys of record by electronic notice and/or by depositing a copy thereof in the United States mail postage prepaid as follows on this 16th day of January 2007:

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